



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Probate Status Hearing Re: Status on Next/Fourth Accounting

	PUBLIC GUARDIAN , was appointed Conservator of the Person and Estate on 11/21/06.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 11/13/15</u> 1. Need Fourth Account and/or current verified status report.
Cont. from 111315	Public Guardian's Third Account was approved on 09/12/13. Minute order from 09/12/13 set this status hearing regarding filing of the Fourth Account.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/09/16
		Updates:
		Recommendation:
		File 2 - Dunlop

3A**Wanda H. Bingham (CONS/PE)****Case No. 11CEPR00949**

Attorney

Roberts, David A. (Petitioner – Attorney for Former Conservator)

Attorney

Janisse, Ryan M. (for Randy Grace – Current Conservator – Objector)

Attorney

Boyett, Deborah (Court appointed attorney for Conservatee)

Petition for Order Awarding Attorneys Fees

		DAVID A. ROBERTS , Attorney for Former Conservator David J. St. Louis, and subsequently Former Successor Conservator Joan St. Louis, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 050515, 060215, 061215, 072015, 082415, 092815, 110315, 121515		Petitioner has previously requested and been paid a total of \$29,414.00 for work from October 2011 through December 2013.	<u>Minute Order 12/15/15:</u> Continued for consideration by Judge Kazanjian.
		Petitioner requests compensation in the total amount of \$52,217.10 consisting of fees of \$50,120.00 and costs of \$2,097.10 for the period 1/1/14 through 2/20/15.	
	Aff.Sub.Wit.		<p>Note: Deborah Boyett, Court appointed attorney for Conservatee, filed Notice of Non-Opposition on 5/29/15. Ms. Boyett has also filed a Petition for Order Fixing and Allowing Court-Appointed Attorneys' Fees that is set for 3/16/16.</p> <p>1. Petitioner requests compensation from the conservatorship estate for services in connection with the conservatee's trust. The Court may require clarification or payment from the trust rather than the conservatorship estate.</p>
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Services include numerous attorney-client related personal and telephonic conferences with Mrs. St. Louis, Attorneys Deborah Boyett, Paul Chambers, Stefanie Krause, and Leigh Burnside, preparing and assisting in the accountings submitted, attendance at the hearing on that accounting and the objections thereto, evaluating and dealing with issues surrounding a failure to pay estimated taxes for the Conservatee, time spent on a conservatorship challenge, analyzing and evaluating the accounting prepared by Wells Fargo regarding the Bingham Administrative Trust, which appeared to subsume the Survivor's Trust, the Marital Exempt and Non-Exempt Trusts and the Exemption Trust.	
		Petitioner's itemization includes 156.90 attorney hours @ \$300/hr and 27.30 paralegal hours @ \$100-120/hr.	
		Costs include filing fees, certified letters, telephonic appearances, and photocopies.	
		Petitioner states all cash assets of the Conservatee, \$110,708.97, held by Mrs. St. Louis as conservator were transferred to Randy Grace as conservator on 1/2/15.	
		Objections were filed by Randy Grace, current Conservator of the Person and Estate on 6/2/15.	
		SEE ADDITIONAL PAGES	
		Reviewed by: skc	
		Reviewed on: 2/9/16	
		Updates:	
		Recommendation:	
		File 3A - Bingham	

3A

Objections state Ms. St. Louis' tenure as conservator was fraught with issues. Rather than rehashing the issues herein, Objector directs the Court's attention to the Petition for Removal of Conservator filed 10/10/14, which sets forth the factual and legal issues that arose. Rather than voluntarily resigning, Ms. St. Louis refused to do so and required the petition to be brought. It was only after it became clear that the Court would remove her that she sought leave to resign. Despite numerous efforts over the past year, Ms. St. Louis and her counsel have yet to have any accounting approved. Notwithstanding this failure, Mr. Roberts seeks award of \$50,120 plus costs of \$2,097.10 in this petition. Objector refers to Probate Code §2430(a)(4) and Cal. Rule of Court 7.7565 as the legal standard for attorney fees in conservatorship, and states the request is premature and should be continued until the final account is filed because it is impossible to determine whether the request is reasonable. Mr. Roberts and his staff have already spent significant time attempting to have an accounting approved, which efforts have yielded no benefit to the estate. While Objector recognizes the accounting may be complex, he contends the time spent on the accountings is already excessive and the final account is yet to be completed.

Objector states the request seeks fees for opposing the removal action, and states the decision to oppose the removal petition could not have been motivated by a good-faith belief that it was in the conservatee's best interest to defeat the petition. Ms. St. Louis was unable to literally keep the lights on at the conservatee's home. She failed to pay bills, provide spending money, cancelled appointments, billed excessively for her travel time, sought excessive compensation, etc. Authority cited. She breached numerous fiduciary duties and neglected the Conservatee. The declarations in support of the petition for removal establish that any assertion that Ms. St. Louis believed her opposition was in the best interest of the Conservatee was not in fact objectively reasonable.

Objector states no sufficient detail is given to justify fees for dealing with taxes. Ms. St. Louis failed to pay taxes while acting as conservator, resulting in penalties. The billing memo has entries that deal with addressing Ms. St. Louis' negligence in this regard. Objector contends Ms. St. Louis should be personally responsible for these fees, as they were of no value to the conservatorship estate and were only incurred because of her negligence.

Objector requests:

- 1. The Court continue this matter until the date of the final accounting;**
- 2. No fees are allowed for services rendered in connection with the accountings which have yet to be approved and therefore the request is reduced by \$9,054;**
- 3. No fees are allowed for services rendered in connection with the petition for removal and therefore the request is reduced by \$12,120;**
- 4. No fees are allowed for services rendered in connection with the failure to pay taxes by Ms. St. Louis and therefore the request is reduced by \$2,400; and**
- 5. For all other order the court deems just and proper.**

SEE ADDITIONAL PAGES

Page 3

Response to Objections filed 6/12/15 states Petitioner is not sure whether Objector is asking the court to take judicial notice of certain undisclosed filed documents with reference to Page 2, Paragraph 3. If that is the import of the remaining portion of Paragraph 3, it is not in the proper form. The court may of course take notice of the fact that those documents are within the court file, but may not take judicial notice of any of the contents which may be objectionable on numerous grounds, most particularly lack of foundation and hearsay.

Petitioner various statements in the Objections lack foundation and are based upon hearsay, and state a legal conclusion. The petition for fees is not premature. Probate Code §2640(a)(3).

Response to objection that request seeks fees for opposing the removal action: Objector cites *Conservatorship of Lefkowitz* as setting forth the standards by which fees may be granted to a party who unsuccessfully opposes a petition for removal. See Response for discussion. Petitioner submits that a reasonable conservator could at the very least believe that the allegations made against the conservator were thin at best and as long as there was a subjective reason for doing so, the petition to remove Joan St. Louis as trustee (sic) could be challenged.

Petitioner does not understand the objection re insufficient detail as objector points to no detail which is being proffered with regard to the time kept by the attorney for the petitioner.

Petitioner requests that the petition be granted as prayed.

Declaration of Joan St. Louis filed 6/12/15 describes the circumstances and her relationship with the Conservatee and states that in opposing Mr. Grace's petition, she was attempting to fulfill her promise to the Conservatee. She knows what her true feelings were and are relative to those promises: that she would never have to leave her home, that none of Byrum's family would be allowed to care for her, and that when she passed away her house be immediately locked up so that none of Byrum's family could scavenge from the home. The question then is why did she withdraw her opposition? She saw the declarations of all of the family members and knows that the court will most often prefer a family member as conservator. She saw the declaration of Paul Chambers, the report of the Court Investigator (although she thought it was overly solicitous of Mr. Grace and she met with Wanda in Mr. Grace's presence); but most particularly, she learned from her attorney in late November that Deborah Boyett, the court appointed guardian for Wanda, while not necessarily supporting the petition of Mr. Grace, could not support Petitioner in her efforts as conservator. After discussion with her attorney, she decided to withdraw her objection. She cried at the end of the meeting.

Fourth Amended Account and Report of Conservator

		<p>RANDY GRACE, Second Successor Conservator, is Petitioner. This petition amends prior petitions filed by JOAN ST. LOUIS, First Successor Conservator pursuant to Minute Order 8/24/15.</p> <p>Account period: 4/25/12 – 12/31/14 Accounting: \$560,222.09 Beginning POH: \$353,414.59 Ending POH: \$359,732.31 (\$113,505.66 cash plus investment account, household items, vehicle, jewelry)</p> <p>Corrected Inventory and Appraisals were filed in support of the Fourth Amended Petition. See additional pages for details.</p> <p>Petitioner states that while he is not requesting that his attorneys be awarded fees at this time, in order to provide the Court with information concerning the amount of time expended to prepare this account and report and the value thereof, Petitioner alleges that the cost to prepare this account (excluding time to appear) is \$3,340.50, as supported by the Declaration of Marcus Magness. Itemization reflects 4.7 attorney hours @ \$365/hr and 12.50 paralegal hours @ \$130/hr.</p> <p>Petitioner requests that:</p> <ol style="list-style-type: none"> 1. Notice of hearing of this account, report, and petition be given as required by law; 2. The Court make an order approving, allowing, and settling the attached account and report of the conservator as filed; and 3. The Court make such other relief as it considers proper. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 12/15/15:</u> Continued for consideration by Judge Kazanjian.</p> <p><u>Minute Order 8/24/15 (Third Amended Account), in relevant part:</u> The Court will allow Mr. Magness to complete the accounting so that it shows a balanced account through the date Ms. St. Louis stopped acting as Conservator. The Petition for Order Awarding Attorney's Fees (Page A) will trail the new accounting.</p> <p><u>Minute Order 11/3/15:</u> Declaration and bank statements accepted for filing in open court; continued for review. (<u>Update:</u> Examiner note cleared.)</p> <p><u>Note:</u> The order as submitted indicated "Fourth Account." Examiner interlineated the order to reflect "Fourth Amended Account."</p> <p><u>Note:</u> On 11/2/15, Attorney David Roberts filed "Response to Objections to Third Amended First and Final Account filed by Conservator Randy Grace." See additional pages.</p>	
Cont. from 110315, 121515				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
✓	Objections			
	Video Receipt			
	CI Report			
✓	2620(c)			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			

Page 2

Original I&A filed 2/28/13:

- Cash of \$324,061.57 (WF Acct xxx5631) (IRA)
- Household Furn \$2,000.00 (see I&A for specific items)
- 2008 Camry \$16,000.00
- Total \$342,061.00

Corrected I&A filed 10/9/15:

- Cash of \$106,814.59 (WF Acct xx5631) (IRA Cash)
- Household Furn \$2,000.00 (see I&A for specific items)
- 2008 Camry \$16,000.00
- 3,000 shares Boeing \$228,600.00 (IRA)
- Total \$353,414.59

Petition explains at Page 3, Paragraph (a) that the IRA inherited from Byrum Bingham actually contained \$106,814.59 cash and also held 3,000 shares Boeing, which are calculated to have been valued at \$228,600.00 (not all cash as originally indicated).

Original Supplemental I&A filed 4/15/14:

- \$5,000.00 received from Wells Fargo Wanda Bingham Survivor's Trust Account

Corrected Supplemental I&A filed 10/9/15:

- \$6,000.00 received from Wells Fargo Wanda Bingham Survivor's Trust Account

Petition explains at Page 4, Paragraph (b) that per the account statement covering 12/1/12-12/31/12, the deposit was actually \$6,000.00.

Additional Corrected Supplemental I&A filed 10/9/15:

- Life Insurance Proceeds \$18,235.92
- Life Insurance Proceeds \$18,426.26
- FCFCU Savings \$1,000.01
- FCFCU Checking \$3,500.00
- Total: \$41,162.19

Petition explains at Page 4, Paragraphs (c) and (d) that the life insurance proceeds were received but never inventoried, and the FCFCU savings/checking accounts are assumed to have existed at the commencement of the conservatorship but never inventoried.

Original Supplemental I&A filed 8/11/14:

- Diamond Earrings \$14,700.00

Second Additional Corrected Supplemental I&A filed 10/9/15:

- Diamond Earrings \$15,909.08

Petition explains at Page 4, Paragraph (e) that the carry value of the earrings reimbursed to Joan St. Louis would be the purchase price.

Therefore, the total I&A value is \$416,485.86.

Receipts during the account period of \$122,610.57 consisted of the following:

- Dividends from the various IRA account holdings
- Dividends from FCFCU Savings and Checking Accounts
- Social Security Income

Gains during the account period of \$21,125.66 consisted of gains from sales of various IRA account holdings. (Note: Losses totaled \$22,032.79.)

Disbursements during the account period of \$149,329.46 include IRA account fees of approx. \$200/month, medical and household expenses, various gifts and donations, numerous restaurant purchases

"Response to Objections to Third Amended First and Final Account filed by Conservator Randy Grace" was filed 11/2/15 by Attorney David Roberts, attorney for Joan St. Louis.

Examiner's Note: *The **Third Amended First and Final Account** referenced above is no longer before the Court. The instant **Fourth Amended Account** filed by the Successor Conservator has superseded the Third Amended Account. As such, and inasmuch as this document does not object to the instant petition, but rather responds to objections to the prior version, this document is summarized only briefly as follows:*

Re visits: Mr. Roberts states Mrs. St. Louis objects to the Right at Home records as lacking foundation and being hearsay and requests that they not be considered. Mrs. St. Louis has signed her Third Amended First Account under penalty of perjury and stands by the number of times she visited the Conservatee.

Re mileage: Mr. Roberts states Mrs. St. Louis' mileage increased when she moved to a new residence.

Re plays: Attached is a letter re "attempt to take (sic) Wanda out socially if Wanda wishes." Mrs. St. Louis agreed and now is questioned for her motives. If it is any consolation to the objector, Mrs. St. Louis paid for the tickets, but Mrs. Bingham insisted on paying for dinner.

Re attorney fees: Mrs. St. Louis requests the Court take various facts into consideration. See document for details.

Response states Petitioner Joan St. Louis requests:

1. Payment of conservator fees in the sum of \$16,205.00 (\$17,665.00 less the surcharge amount of \$1,450.00);
2. Reimbursement for mileage in the sum of \$3,447.10
3. Reimbursement of expenses paid on behalf of the Conservatee in the sum of \$8,191.00;
4. For reasonable attorneys fees; and
5. Further relief as may be awarded by the court.

Probate Status Hearing RE: Filing of the First Account and/ or Petition for Final Distribution

DOD: 07/13/14	PUBLIC ADMINISTRATOR, was appointed Administrator with Will Annexed on 01/05/15. Letters of Administration were issued on 01/14/15.	NEEDS/PROBLEMS/COMMENTS: 1. Need Account/Petition for Final Distribution and/or current verified status report.
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Minute Order from 01/05/15 set this status hearing regarding filing of the Account/Petition for Distribution. I & A, Final corrected, filed 02/18/15 - \$495,712.14
		Reviewed by: JF
		Reviewed on: 02/09/16
		Updates:
		Recommendation:
		File 7- Paregian

Atty Walters, Jennifer L. (for Irma Hicks – Co-Trustee – Petitioner)

Atty Donohue, Francis T, III, (of Newport Beach, CA, for Jesse Joe Ruelas – Co-Trustee – Objector)

Atty Ruelas, Angela (Pro Per – Beneficiary – Objector)

Probate Status Hearing

RE: Filing of a Written Dismissal Request

Octavio Ruelas DOD: 6-7-06	IRMA HICKS, a Co-Trustee of the Octavio and Mary Ruelas Family Trust, filed Petition for Instructions on 10/8/14.	NEEDS/PROBLEMS/COMMENTS:
Mary Ruelas DOD: 6-11-14		
	Co-Trustee JESSE RUELAS and Beneficiary ANGELA RUELAS objected.	<u>Minute Order 1/12/16:</u> Counsel previously misunderstood, but will file a written Request for Dismissal.
	On 8/11/15, counsel indicated that the parties had reached an agreement. The Court set this status hearing re resolution.	
Aff.Sub.Wit.	Minute Order 11/10/15 states: Counsel represent that all parties have signed the agreement and a request for dismissal of the petition is forthcoming. The matter will come off calendar on 1/12/16 if the dismissal is filed and granted.	1. Attorney Walters submitted a Request for Dismissal; however, Dismissal could not be entered as consent is required by both objectors because the objections sought relief.
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	Declaration of Jennifer Walters provides the signed settlement agreement; however, no Request for Dismissal was filed as of the hearing on 1/12/16.	
Conf. Screen		
Letters		
Duties/Supp	Minute Order 1/12/16 states: Counsel previously misunderstood, but will file a written Request for Dismissal.	
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 2/9/16
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 8- Ruelas

Anna Hepner DOD: 4/24/08		JERRY PRUDEK , Beneficiary, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 12/17/15:</u> Counsel requests an additional 60 days for further discussions. <u>Note:</u> See Page B re status of mediation and agreement. 1. Probate Code §17200(b)(7) provides that proceeding to compel account may be commenced if the trustee has failed to submit a requested account within 60 days after written request of the beneficiary and no account has been made within six months preceding the request. Petitioner states his proposed distribution was reviewed, no action taken, but does not state whether written request for account was made. If not, this petition may be premature. 2. Need order.
Cont. from 060815, 072215, 091715, 121715		Petitioner states GLENN J. HEPNER, JIMMY A. HEPNER, GEORGE HEPNER, JR., and DOLLIE SIMPSON have served as successor trustees since the death of their mother. The trust holds various acreage in Fresno County. Other assets are unknown.	
<input type="checkbox"/>	Aff.Sub.Wit.	Petitioner alleges that the co-trustees have reviewed a proposal for distribution as set forth on Exhibit B. No action has been taken to effect such distribution due to lack of agreement among the co-trustees.	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	The beneficiaries are Glenn J. Hepner, Jimmy A. Hepner, and George Hepner, Jr., each as to a 1/4 interest, and Dolly Simpson and Jerry Prudek each as to a 1/8 interest. Jerry Prudek is successor to Evelyn Prudek.	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Petitioner requests distribution in accordance with the First Amendments, which provides that "if my children are unable to agree on how the property is to managed or divided, then the property shall be sold and the proceeds divided in the proportions indicated above."	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	Petitioner requests a full and complete accounting in accordance with Probate Code §16063 pursuant to Probate Code §16062, 16063, and 17200. Further administration of trust assets is not necessary, and the remaining assets should be liquidated and distributed.	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner prays for relief against the co-trustees as follows:	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen	1. An order compelling the successor trustees to account for any trust assets collected or received by them;	
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp	2. An order settling the accounts and passing upon the acts of each of the co-trustees;	
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	3. An order determining to whom property shall pass or be delivered upon termination of the trust;	
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202	4. An order for termination of the trust;	
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting	5. For such other and further relief as the Court may deem just, equitable, and proper.	
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

		JERRY PRUDEK , Beneficiary, filed Petition for Accounting and for Order Instructing the Co-Trustees and Compelling Final Distribution from Trust on 4/22/15.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 12/17/15: Counsel requests an additional 60 days for further discussions.</u>
Cont. from 091715, 121715		On 7/22/15, Mr. Krbecek informed the court that the parties are participating in mediation. The Court set this status hearing re mediation and agreement.	1. Need <u>current</u> written status report re mediation and agreement per Local Rule 7.5.
Aff.Sub.Wit.		Status Conference Statement and Request for Continuance filed 9/16/15 by Attorney Krbecek states the parties continue to engage in a meaningful exchange of information. One mediation session was conducted with Lee Jacobson. Since the mediation, additional information has been provided, which must be reviewed. They will need to schedule a further mediation session with Mr. Jacobson upon review of all the materials. A continuance of 60-90 days is therefore requested.	
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 2/9/16
			Updates:
			Recommendation:
			File 9B – Hepner

Petition for Settlement of First and Final Account; Petition for Final Distribution and for Allowance of Compensation for Ordinary Services

DOD: 06/12/07	ABDOLWALI MOHAMED , Administrator, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	Account period: 06/12/07 – 11/29/15	
Cont. from	Accounting: \$200,000.00	
<input type="checkbox"/> Aff.Sub.Wit.	Beginning POH: \$200,000.00	
<input checked="" type="checkbox"/> Verified	Ending POH: \$200,000.00	
<input checked="" type="checkbox"/> Inventory	Administrator: waived	
<input checked="" type="checkbox"/> PTC	Attorney: \$7,000.00 (to be paid outside of the estate)	
<input checked="" type="checkbox"/> Not.Cred.		
Notice of Hrg n/a	Distribution, pursuant to intestate succession and assignments of interest filed herein, is to:	
Aff.Mail n/a	Abdolwali Mohamed – 100% interest in real property located in Fresno County	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters 07/24/15		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 02/09/16
		Updates:
		Recommendation: SUBMITTED
		File 10- Mohamed

11

Lily Herrera (GUARD/P)

Case No. 15CEPR00588

Petitioner Lomeli-Marashlian, Erica (Pro Per – Maternal Aunt – Petitioner)

Petitioner Salazar, Christopher Manuel (Pro Per – Brother – Petitioner)

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			<p><u>Minute Order 1/26/16</u>: Matter is continued in order for Petitioners to obtain a copy of the minor's declaration filed on 1/21/16 from the file. The Court orders that the minor is not to be brought to Court.</p> <p><u>Note</u>: On 1/27/16, Petitioners submitted a Request for Dismissal; however, dismissal could not be entered since temporary guardianship is currently in place.</p>
Cont. from 081115, 092215, 102715, 120815, 012616			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
✓	Clearances		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 2/9/16
			Updates:
			Recommendation:
			File 11 – Herrera

11

Petitioner Carey, Erica (pro per – half-sister)

Petition for Appointment of Guardian of the Person

Hailey, 9	<u>TEMPORARY EXPIRES 11/10/15</u>		NEEDS/PROBLEMS/ COMMENTS:
Caitlyn, 9	ERICA CAREY, half-sister, is Petitioner.		
	Father: WILLIAM SKAGGS – Personally served in Court on 11/10/15 by Deputy		<u>CONTINUED FROM 01/12/16 Minute Order from 01/12/16 states:</u> The Court notes that William Skaggs did not file written objections. Mr. Skaggs requests additional time, and the Court orders that any objections be filed and properly served by 02/02/16 or the Court will move forward without the objections being considered. Mr. Skaggs requests that Ms. Carey submit to a hair-follicle drug test. Per agreement of both parties, the Court orders Erica Carey and William Skaggs to each report forthwith to Avertest and submit to a hair-follicle drug test, with each party to pay for the other's testing. Parties are to bring their own test results to Court on 02/16/16. Failure to test and/or test results not being brought on 02/16/16 will be considered a positive result. As of 02/09/16, no objection has been filed. <u>SEE PAGE 2</u>
	Mother: MELINDA TURNER – Consent & Waiver of Notice filed 08/13/15; now deceased		
Cont. from 101315, 111015, 011216			
Aff.Sub.Wit.			
✓ Verified			
Inventory	Paternal grandfather: PHILLIP SKAGGS - deceased		
PTC	Paternal grandmother: ELLAMAE SKAGGS – Served by mail on 09/25/15 with Notice of Hearing only		
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	w/o	Maternal grandfather: JOHN TURNER - deceased	
Aff.Pub.			
Sp.Ntc.	Maternal grandmother: BOBBI GODDARD – Served by mail on 09/25/15 with Notice of Hearing only		
✓ Pers.Serv.			
✓ Conf. Screen			
✓ Letters	Siblings: TARYN HOPE (21) – Consent & Waiver of Notice filed 08/13/15, ANDREW SKAGGS, DARBY SKAGGS, CRAIG SKAGGS – Declarations of Due Diligence filed 09/28/15		
✓ Duties/Supp			
Objections	Court Investigator Jennifer Young filed a report on 10/07/15.		
Video Receipt			
✓ CI Report	Court Investigator Jennifer Young filed a report on 11/03/15.		
9202			
✓ Order	Declaration filed 10/08/15 by Petitioner Erica Carey.		
Aff. Posting			
Status Rpt	Declaration filed 10/20/15 by Petitioner Erica Carey.		
✓ UCCJEA			
Citation	Confidential Supplemental Investigator's Report to Court filed 01/07/16.		
FTB Notice			
			Reviewed by: JF
			Reviewed on: 02/09/16
			Updates:
			Recommendation:
			File 12 – Turner-Hope

NEEDS/PROBLEMS/COMMENTS:

1. Need proof of service at least 15 days before the hearing of *Notice of Hearing* with a copy of the *Petition for Appointment of Guardian of the Person* or *Consent & Waiver of Notice* or *Declaration of Due Diligence* for:
 - a. Ellamae Skaggs (paternal grandmother) – *service by mail ok; Proof of service filed 09/28/15 does not indicate that she was served a copy of the Petition along with the Notice of Hearing.*
 - b. Bobbi Goddard (maternal grandmother) – *service by mail ok; Proof of service filed 09/28/15 does not indicate that she was served a copy of the Petition along with the Notice of Hearing.*
 - c. Andrew Skaggs (half-brother) – *service by mail ok; unless diligence is found*
 - d. Darby Skaggs (half-brother) - *service by mail ok; unless diligence is found*
 - e. Craig Skaggs (half-brother) - *service by mail ok; unless diligence is found*

13 Kamila Hammid, Saheim Hammid (GUARD/P) Case No. 15CEPR01047

Petitioner Brown, U. Anthony (Pro Per – Maternal Grandfather – Petitioner)
Petitioner Brown, Rosemary (Pro Per – Maternal Grandmother – Petitioner)
Mother Hammid, Nanyamka Hanifahisoke

Petition for Appointment of Guardian of the Person

See petition for details.		NEEDS/PROBLEMS/COMMENTS:
Cont. from 010516		
	Aff.Sub.Wit.	
✓	Verified	
	Inventory	
	PTC	
	Not.Cred.	
✓	Notice of Hrg	
	Aff.Mail	x
	Aff.Pub.	
	Sp.Ntc.	
✓	Pers.Serv.	w
✓	Conf. Screen	
✓	Letters	
✓	Duties/Supp	
	Objections	
	Video Receipt	
✓	CI Report	
✓	Clearances	
✓	Order	
	Aff. Posting	
	Status Rpt	
✓	UCCJEA	
	Citation	
	FTB Notice	
		Minute Order 1/5/16: Matter is continued for proof of service as to Quinton Johnson (Father) and proof of service or due diligence as to the paternal grandfather.
		As of 2/9/16, the following issues remain noted.
		1. Need personal service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 on: - Quinton Johnson (Father)
		2. Need service of Notice of Hearing with a copy of the Petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Paternal Grandfather
		Reviewed by: skc
		Reviewed on: 2/9/16
		Updates:
		Recommendation:
		File 13- Hammid

Petition to Determine Succession to Real Property

DOD: 9/6/15		BLANCA GUERRERO, Spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		40 days since DOD	Continued from 1/5/16. The following issues are new:
Cont. from 010516		No other proceedings	1. <u>This petition cannot go forward as prayed.</u> Petitioner requests the Court determine that the decedent's assets pass to her alone; however, pursuant to Probate Code §6401(c)(3), the estate would pass 1/3 to Petitioner and 2/3 to the decedent's three children (2/9 each). Pursuant to Probate Code §§ 13151, 13152, all successors in interest must petition together.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	I&A: need	2. Petitioner separately filed Attachment #14 reflecting the names and addresses of the decedent's three children; however, their ages are not provided. Need ages per #14. <u>Note:</u> If minors, Petitioner may need to look into whether appointment as guardian of the estate or as guardian ad litem may be necessary in order to use this summary proceeding.
<input type="checkbox"/>	Inventory	x	
<input type="checkbox"/>	PTC	Decedent died intestate	3. Need Inventory and Appraisal pursuant to Probate Code §13152(b). <u>Note:</u> Petitioner filed an Inventory and Appraisal on 2/9/16 that is defective in that it does not contain an appraisal by the Probate Referee. Further, the amount indicated is <u>\$160,000.00</u> , which is over the limit for use of this summary proceeding. See Probate Code §13151.
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	x	4. Need Notice of Hearing (Form DE-120) and proof of service of Notice of Hearing at least 15 days prior to the hearing per Probate Code §13153 on all persons named in Attachment 14. <u>Note:</u> Petitioner served a "Notice of Petition to Administer Estate," which is the wrong form of notice for this summary proceeding and incorrectly gives notice that a full probate administration is being opened.
<input type="checkbox"/>	Aff.Mail	x	
<input type="checkbox"/>	Aff.Pub.		5. Need Order Determining Succession (DE-315). (Petitioner submitted an Order for Probate.)
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		6. This petition was filed with a fee waiver. If assets pass pursuant to this petition, all filing fees will be due.
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		Reviewed by: skc
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		Reviewed on: 2/9/16
<input type="checkbox"/>	Video Receipt		Updates:
<input type="checkbox"/>	CI Report		Recommendation:
<input type="checkbox"/>	9202		File 14- Lamas
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition for Probate of Will and for Letters of Administration with Will Annexed; Authorization to Administer under IAEA

DOD: 4/25/13		JUANITA G. SALINAS , Daughter, is Petitioner and requests appointment as Administrator with Will Annexed with Limited IAEA without bond.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 12/15/16:</u> Continued due to defects listed in the Examiner's Notes. <u>Note:</u> As of 2/9/16, nothing further has been filed. The following issues remain noted:
Cont. from 121515			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	Petitioner states the two named executors, Maria Candelaria Carrillo and Alberto Garcia, have both declined to act.	<ol style="list-style-type: none"> Need declinations to act from the two named Co-Executors: - Maria Candelaria Carrillo - Alberto Garcia Need date of death of the decedent's deceased spouse. Local Rule 7.1.1.D. The decedent's will indicates that the decedent had at least two deceased children. Need dates of death. Local Rule 7.1.1.D. The petition is blank at #5a(7) and (8). Was the decedent survived by issue of a predeceased child? If so, need revised list at #8 and notice to such issue. Petitioner requests appointment without bond, with limited authority under IAEA, but also states the estimated value of personal property is unknown. The Court may require clarification. Petitioner is reminded to review Cal. Rule of Court 7.204 (Duty to apply for order increasing bond). Need order. Local Rule 7.1.1.F See Page 2 for status hearing dates.
✓	Aff.Mail	Limited IAEA – ok	
✓	Aff.Pub.	Will dated 12/13/11	
	Sp.Ntc.	Residence: Parlier, CA	
	Pers.Serv.	Publication: Business Journal	
	Conf. Screen	Estimated value of estate: Personal property: Unknown Real property: \$60,000.00 (one-half interest)	
✓	Duties/Supp	Probate Referee: Steven Diebert	
	Objections		
	Video Receipt		
	CI Report		
	9202		Reviewed by: skc Reviewed on: 12/9/15 Updates: Recommendation: File 16 - Garcia
	Order	x	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

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Note: If granted, status hearings will be set as follows:

- **Tues, July 12, 2016 at 9:00am in Dept. 303** for filing of the Inventory & Appraisal; and
- **Tues, April 11, 2017 at 9:00am in Dept. 303** for filing of the Accounting/Petition for Final Distribution

Pursuant to Local Rule 7.5, if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.

Dept. 303, 9:00 a.m. Tuesday, February 16, 2016